

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                                     |                           |  |                                    |  |
|--|-------------------------------------|---------------------------|--|------------------------------------|--|
| Investigator:<br>Miriam Lynch  | Team:<br>Squad #11                  | CCRB Case #:<br>201904088 | <input type="checkbox"/> Force                         | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.              |
|  |                                     |                           | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.      | <input checked="" type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 04/23/2019 7:00 AM, Thursday,<br>05/02/2019 7:20 AM | Location of Incident:<br>§ 87(2)(b) | Precinct:<br>70           | 18 Mo. SOL<br>10/23/2020                               | EO SOL<br>6/9/2021                 |  |
| Date/Time CV Reported<br>Thu, 05/02/2019 8:30 AM                                 | CV Reported At:<br>IAB              | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Mon, 05/13/2019 11:03 AM |                                    |  |

| Complainant/Victim | Type       | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b)  | § 87(2)(b)   |

| Subject Officer(s)      | Shield | TaxID  | Command |
|-------------------------|--------|--------|---------|
| 1. DT3 Piero Lasaponara | 01161  | 947157 | WARRSEC |
| 2. DT3 James Quirk      | 6955   | 951100 | WARRSEC |
| 3. CPT William Diab     | 00000  | 940125 | WARRSEC |

| Witness Officer(s)     | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Pablo Benigno   | 21832     | 950068 | 070 PCT  |
| 2. POF Andrea Papaleo  | 01326     | 954213 | 070 PCT  |
| 3. DT3 Max Rolffot     | 3178      | 949566 | 070 DET  |
| 4. SGT Sunil Ramsamooj | 04553     | 955364 | 070 PCT  |
| 5. DT3 David Hudgens   | 7823      | 952864 | WARRSEC  |

| Officer(s)             | Allegation  | Investigator Recommendation |
|------------------------|---|-----------------------------|
| A.DT3 Piero Lasaponara | Abuse: On April 23, 2019, Detective Piero Lasaponara entered § 87(2)(b) in Brooklyn.                              | § 87(2)(b)                  |
| B.DT3 James Quirk      | Abuse: On April 23, 2019, Detective James Quirk entered § 87(2)(b) in Brooklyn.                                   | § 87(2)(b)                  |
| C.CPT William Diab     | Abuse: On April 23, 2019, Lieutenant William Diab entered § 87(2)(b) in Brooklyn.                                 | § 87(2)(b)                  |
| D.DT3 Piero Lasaponara | Abuse: On April 23, 2019, Detective Piero Lasaponara entered a bedroom of § 87(2)(b) in Brooklyn.                 | § 87(2)(b)                  |
| E.DT3 James Quirk      | Abuse: On April 23, 2019, Detective James Quirk entered a bedroom of § 87(2)(b) in Brooklyn.                      | § 87(2)(b)                  |
| F.CPT William Diab     | Abuse: On April 23, 2019, Lieutenant William Diab participated in the entry of a bedroom at § 87(2)(b) § 87(2)(b) | § 87(2)(b)                  |
| G.DT3 James Quirk      | Abuse: On April 23, 2019, Detective James Quirk searched a bedroom of § 87(2)(b) in Brooklyn.                     | § 87(2)(b)                  |
| H.DT3 Piero Lasaponara | Abuse: On April 23, 2019, Detective Piero Lasaponara searched a bedroom of § 87(2)(b) in Brooklyn.                | § 87(2)(b)                  |

| Officer(s)             | Allegation   | Investigator Recommendation |
|------------------------|--|-----------------------------|
| I.DT3 James Quirk      | Abuse: On April 23, 2019, Detective James Quirk failed to provide § 87(2)(b) with a business card.   |                             |
| J.CPT William Diab     | Abuse: On April 23, 2019, Lieutenant William Diab failed to provide § 87(2)(b) with a business card. |                             |
| K.DT3 Piero Lasaponara | Abuse: On May 2, 2019, Detective Piero Lasaponara entered § 87(2)(b) in Brooklyn.                    |                             |
| L.DT3 James Quirk      | Abuse: On May 2, 2019, Detective James Quirk entered § 87(2)(b) in Brooklyn.                         |                             |
| § 87(4-b), § 87(2)(g)  |  |                             |
| § 87(4-b), § 87(2)(g)  |  |                             |

## Case Summary

On May 2, 2019, Sgt. Sunil Rasamooj of the 70th Precinct reported this complaint to IAB via phone, and IAB Log number 2019-17136 was generated. On May 13, 2019, the CCRB received this case under IAB Log number 19-17954.

On April 23, 2019, at approximately 7:00 a.m. roommates § 87(2)(b) and § 87(2)(b) were in their apartment at § 87(2)(b) in Brooklyn. On April 19, 2019, § 87(2)(b) filed a criminal complaint report against her boyfriend § 87(2)(b) for whom there was a probable cause Investigation Card (I-Card). Det. Piero Lasaponara, Det. James Quirk, and Lt. William Diab, all of the Warrant Section Brooklyn South, knocked on the door and entered the apartment after § 87(2)(b) answered the door (**Allegation A- Abuse of Authority- § 87(2)(g)**; **Allegation B- Abuse of Authority- § 87(2)(g)**; **Allegation C- Abuse of Authority- § 87(2)(g)**). Det. Lasaponara and Det. Quirk entered § 87(2)(b)'s bedroom without her permission allegedly with the participation of Lt. Diab (**Allegation D- Abuse of Authority- § 87(2)(g)**; **Allegation E- Abuse of Authority- § 87(2)(g)**; **Allegation F- Abuse of Authority- § 87(2)(g)**). Det. Quirk searched a vacant bedroom within the apartment and Det. Lasaponara allegedly searched the apartment (**Allegation G- Abuse of Authority- § 87(2)(g)**; **Allegation H- Abuse of Authority- § 87(2)(g)**).

On May 2, 2019, at approximately 7:00 a.m. Det. Lasaponara, Det. Quirk, and Lt. Diab returned to the apartment with Det. David Hudgens, also of Warrant Section Brooklyn South. Det. Lasaponara knocked on the door while Det. Hudgens watched the building from the rear. While § 87(2)(b) answered the door, Det. Hudgens saw § 87(2)(b) on the rear fire escape of the building, and notified Det. Lasaponara and Det. Quirk, who entered the apartment and arrested § 87(2)(b) (**Allegation I- Abuse of Authority- § 87(2)(g)**; **Allegation J- Abuse of Authority- § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

Neither Lt. Diab nor Det. Quirk provided § 87(2)(b) with a business card on April 23, 2019 (**Allegation M- Abuse of Authority- § 87(2)(g)**; **Allegation N- Abuse of Authority- § 87(2)(g)**).

On May 2, 2019, § 87(2)(b) was arrested for § 87(2)(b)

§ 87(2)(b) (Board Reviews 01 and 02).

Det. Lasaponara, Det. Quirk, Det. Hudgens, and Lt. Diab were not equipped with body-worn cameras at the time of the incident. The NYPD provided the investigation with four body-worn camera videos from officers who arrived on scene after the subject officers left the residence after the May 2, 2019 incident. It did not capture any FADO allegations, but captured § 87(2)(b) giving a statement about what occurred. Relevant portions are excerpted below.

During the investigation, Lt. Diab was promoted to the rank of Captain, but will be referred to by his rank as of the time of the incident below.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: On April 23, 2019, Detective Piero Lasaponara entered § 87(2)(b) in Brooklyn.**

**Allegation (B) Abuse of Authority: On April 23, 2019, Detective James Quirk entered § 87(2)(b) in Brooklyn.**

**Allegation (C) Abuse of Authority: On April 23, 2019, Lieutenant William Diab entered § 87(2)(b) in Brooklyn.**

It is undisputed that Det. Lasaponara, Det. Quirk, and Lt. Diab entered the apartment to

look for § 87(2)(b) opened the door when the officers knocked and § 87(2)(b) did not witness the officers' initial entry.

There is no video footage of the entry of the apartment on this date.

§ 87(2)(b) a resident of the apartment, testified that on April 23, 2019, he heard banging on his front door. When he answered it, two officers said that they were looking for § 87(2)(b). § 87(2)(b) said that he did not believe that she was home, but that he would check. As he turned away from the officers, he tried closing the door. The two officers walked in, followed by three other officers. No officer at any time asked to come in. § 87(2)(b) did not want to tell the officers to leave. § 87(2)(b)

He denied, however, at any point, explicitly giving the officers permission to enter the apartment. He denied that at any point he objected to the officers' being there (Board Review 03).

In a phone statement to the CCRB on May 28, 2019, and on Sgt. Ramsamooj's body-worn camera on May 2, 2019, while describing the incident from April 23, 2019, § 87(2)(b) indicated that she first realized that officers were in the house when they entered her bedroom, an allegation addressed below (Board Review 16, Board Review 04, timestamps 00:04:00-00:05:00; transcribed in Board Review 05). § 87(2)(b) ultimately withdrew her participation from the investigation, during a field interview, before giving a sworn statement because she did not want to go through the process of a CCRB investigation (Board Review 06).

Det. Lasaponara testified that he received an "I-card" for § 87(2)(b) which listed his address and phone number. Due to Det. Lasaponara's extensive experience in enforcing I-cards related to domestic violence incidents, approximately 250 I-cards since 2016, he did not make any attempts to apprehend § 87(2)(b) by calling his phone number or going to any other home address, because in his experience, domestic violence perpetrators customarily return to their victims' addresses. He testified that when he knocked on the door, § 87(2)(b) answered, and confirmed that § 87(2)(b) lived in the apartment. He invited the officers in, saying, "Follow me to her room, her bedroom's in the rear," and walked them to the back of the apartment. He said that no civilian ever objected to his presence at any time in the entire time that he was in the apartment (Board Reviews 07 and 08).

Det. Quirk testified that when he came to the apartment, § 87(2)(b) answered the door. He did not remember § 87(2)(b) being present in the apartment at all and did not recognize him after viewing a photo of him. Det. Quirk remembered a conversation between Det. Lasaponara and § 87(2)(b) but did not remember anything about the content of that conversation. § 87(2)(b) gave the officers consent to enter the apartment. When Det. Quirk was asked how he knew that § 87(2)(b) gave consent when he did not remember the content of the conversation, Det. Quirk said, "Because we wouldn't have entered the apartment if there wasn't [consent]." He could not remember any other indications that the officers had consent to enter. He did not remember any civilian objecting to his presence while he was inside (Board Review 09).

Lt. Diab testified that he knew at the time that the officers were visiting the victim in a domestic violence case. He did not know where the perpetrator lived. § 87(2)(b) answered the door, and said "All right, come on in" to the officers. As Det. Lasaponara was the officer making contact, Lt. Diab followed him into the apartment (Board Review 10).

Probable Cause I-card #§ 87(2)(b) lists § 87(2)(b)'s address as § 87(2)(b) in Brooklyn, with no address noted (Board Review 14).

Det. Lasaponara and Lt. Diab were consistent in that they testified that § 87(2)(b) came to the door and volunteered verbal consent to enter. § 87(2)(b) stated that he did not affirmatively volunteer them consent to enter but did not object to any actions the police took once they were inside. Det. Quirk did not remember § 87(2)(b) being present in the apartment at all and did not recognize him after viewing a photo of him, though he testified that she provided verbal consent for the entry. By all other accounts, § 87(2)(b) was asleep in her bedroom at the time and did not see the officers enter the apartment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Abuse of Authority: On April 23, 2019, Detective Piero Lasaponara entered a bedroom of § 87(2)(b) in Brooklyn.**

**Allegation (E) Abuse of Authority: On April 23, 2019, Detective James Quirk entered a bedroom of § 87(2)(b) in Brooklyn.**

**Allegation (F) Abuse of Authority: On April 23, 2019, Lieutenant William Diab participated in the entry of a bedroom of § 87(2)(b) in Brooklyn.**

That Det. Lasaponara and Det. Quirk entered § 87(2)(b)'s bedroom inside of § 87(2)(b) is not in dispute.

On May 2, 2019, in § 87(2)(b)'s statement to Sgt. Sunil Ramsamooj of the 70<sup>th</sup> Precinct about the officers' actions on both April 23, 2019 and May 2, 2019, captured on his BWC footage she said that on April 23, 2019, they entered while she was sleeping (Board Review 04; transcribed in Board Review 05).

In a phone statement to the CCRB, given on May 28, 2019, § 87(2)(b) said that she heard a noise, and then woke up to four officers standing in her bedroom. She asked the officers to leave, or at least to let her get dressed. They would not leave, so she stopped telling them to leave, went under a blanket, and asked why they were there. Det. Lasaponara spoke with her for about 20 minutes about apprehending § 87(2)(b). He told her to bring § 87(2)(b) to the stationhouse, even though she had a restraining order against him, gave her his business card, and then left (Board Review 16). As mentioned above, § 87(2)(b) withdrew her participation from the investigation (Board Review 06).

§ 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b) testified that once two of the officers were inside, they knocked on § 87(2)(b)'s bedroom door. Before they received a response, they walked into the bedroom. § 87(2)(b) could not see § 87(2)(b) in her bedroom, but he heard her asking what they were doing in her room, and asking if she could get dressed. He did not remember her specifically telling them to leave, but the tone and volume of her voice suggested that she did not want them in the apartment. They told her to "deal with" § 87(2)(b). They remained there for approximately five minutes, then left (Board Review 03).

Det. Lasaponara stated that after he entered the apartment, § 87(2)(b) knocked on § 87(2)(b)'s bedroom door, and told her that the police were there. He told Det. Lasaponara that he and § 87(2)(b) were roommates at the front door when Det. Lasaponara first arrived. Det. Lasaponara did not seek consent to enter § 87(2)(b)'s bedroom. Det. Lasaponara then went into § 87(2)(b)'s closed bedroom. She appeared to have just woken up and was under a large comforter. He did not remember her asking if she could get dressed. She did not at any point tell him to leave. She said that she no longer wanted to press criminal charges against § 87(2)(b) and confirmed that he had been there, though he did not stay there. The conversation lasted approximately five minutes, and no other officer accompanied Det. Lasaponara (Board Reviews 07 and 08).

Det. Quirk went into § 87(2)(b)'s bedroom at some point but did not remember whether he was present for the conversation between Det. Lasaponara and § 87(2)(b). He went into her bedroom as part of a larger search of the apartment, which is addressed below. He did not remember her telling the officers to leave so that he could get dressed. He was not part of the conversation to obtain consent from any resident of the apartment (Board Review 09). During a follow-up interview, Det. Quirk said that he was not present for the conversation between Det. Lasaponara and § 87(2)(b) and that he was waiting outside of the bedroom with Lt. Diab (Board Review 28).

Lt. Diab could not say whether Det. Lasaponara obtained consent to enter § 87(2)(b)'s bedroom but was listening outside of the bedroom when it happened. He was able to hear “every third sentence” of what was being said. In his CCRB interview, Lt. Diab said, “She never said, like, ‘Get the hell out,’ so it was kind of like, implied consent.” He denied going into this room, and he denied that Det. Quirk went into this room. He did not hear any civilian at any point telling an officer to leave (Board Review 10). During a follow-up interview, Lt. Diab did not remember whether he gave any directions to Det. Quirk and Det. Lasaponara regarding where they should go in the apartment and he did not remember them seeking any guidance to do so. He only remembered Det. Lasaponara going into the bedroom to speak with § 87(2)(b) (Board Review 32).

People v. Watson, 101 A.D.3d 913 (2012), quoting People v. Cosme 48 N.Y.2d 286 (1979) indicates that “the police may lawfully conduct a warrantless search when they have obtained the voluntary consent of a party who possesses the requisite degree of authority and control over the premises or personal property in question” (Board Review 13).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (G) Abuse of Authority: On April 23, 2019, Detective James Quirk searched a bedroom of § 87(2)(b) in Brooklyn.**

**Allegation (H) Abuse of Authority: On April 23, 2019, Detective Piero Lasaponara searched a bedroom of § 87(2)(b) in Brooklyn.**

§ 87(2)(b) testified that the two officers who entered § 87(2)(b)'s bedroom also looked into the vacant bedroom next to hers, his bedroom, the kitchen, living room, and a hallway closet (Board Review 03).

§ 87(2)(b) did not mention this search in her phone statement (Board Review 16).

In his initial CCRB interview, Det. Quirk testified that while he was in the apartment, he entered this room and looked into the closets, under a bed. He did so to check anywhere that a person could hide in the apartment. He remembered specifically that there was an I-card for the person being sought (Board Review 09).

During a follow-up interview, Det Quirk testified that as the apprehension entailed domestic violence, he wanted to check the apartment for § 87(2)(b) for officer safety. He did not know if § 87(2)(b) lived there. He could not provide a more specific or additional reason for searching the apartment, and he did not request consent to do so. He did not remember any other officers conducting any additional searches in the apartment (Board Review 28).

Both Det. Lasaponara and Lt. Diab testified that after Det. Lasaponara finished speaking with § 87(2)(b) in her bedroom, all the officers left the apartment with no further intrusions (Board Reviews 07, 08, and 10).

The officers had an I-card that listed § 87(2)(b) with no apartment number as § 87(2)(b)'s address (Board Review 14).

What Det. Quirk described during his interview was a security sweep, “a quick and limited

search of premises . . . conducted to protect the safety of police officers or others. It is narrowly confined to a cursory visual inspection of those places in which a person might be hiding.” Police can conduct a visual sweep when they have “have articulable facts upon which to believe that there is a person present who may pose a danger to those on the scene” People v. Harris, 141 A.D.3d 1024 (2016) (Board Review 15).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (I) Abuse of Authority: On May 2, 2019, Detective Piero Lasaponara entered § 87(2)(b) in Brooklyn.**

**Allegation (J) Abuse of Authority: On May 2, 2019, Detective James Quirk entered § 87(2)(b) in Brooklyn.**

It is undisputed that Det. Lasaponara, Det. Quirk, Lt. Diab, and Det. Hudgens went to § 87(2)(b) in an additional apprehension attempt for § 87(2)(b). It is undisputed that they had an I-card and not a warrant for § 87(2)(b). Det. Lasaponara, Det. Quirk, and Lt. Diab went to the apartment door of § 87(2)(b) while Det. Hudgens watched a rear window of the apartment. Det. Lasaponara knocked on the door, and § 87(2)(b) answered it. Shortly after § 87(2)(b) answered the door, Det. Hudgens saw § 87(2)(b) on the fire escape of the apartment. He informed Det. Lasaponara and Det. Quirk via radio that he saw § 87(2)(b). Det. Lasaponara and Det. Quirk entered the apartment and apprehended § 87(2)(b).

§ 87(2)(b) said over the phone that when the officers knocked on the door, she did not tell them not to come in. She asked to put on clothing. She opened the door only a crack, because she was not dressed. She shielded her body with the door. Det. Lasaponara then burst into the apartment. No officer requested permission to enter (Board Review 16).

§ 87(2)(b) did not see the entry. He was in his bedroom with his boyfriend, whose name and contact information he declined to provide. He did not hear exactly what was said, though he could hear what was happening reasonably well. He then heard multiple people entering the apartment—a noise that he could not further describe—and § 87(2)(b) yelling and cursing. He left his bedroom to see what was happening five minutes after he heard the officers leave (Board Review 03).

§ 87(2)(b) could not be reached by the investigation to provide a statement (Board Review 17).

Det. Lasaponara testified that he knocked on the door for three to five minutes before hearing a commotion. § 87(2)(b) answered the door and asked what the officers wanted. She did not mention putting on clothing or wanting to get dressed. She was dressed at the time, and the door was partially open. She did not at any point hide behind the door. At some point when Det. Lasaponara was talking with § 87(2)(b), Det. Hudgens sent a radio message that § 87(2)(b) was trying to leave through the fire escape. Det. Lasaponara and Det. Quirk went into the apartment by pushing open the already partially-open door, and to the bedroom that led onto the fire escape. Det. Quirk saw § 87(2)(b) pulled him off the fire escape, and handcuffed him (Board Review 07).

Det. Quirk’s statement was consistent with that of Det. Lasaponara with the following exception. Det. Quirk walked into the apartment, after Det. Lasaponara. He walked to the room with the fire escape, saw § 87(2)(b) and handcuffed him. Det. Quirk remembered the room with the fire escape from his prior search. He did not ever know if there was an arrest warrant for § 87(2)(b) or what crimes he allegedly committed. He believed at the time that he was engaged in hot pursuit: as soon as the suspect left the house, the police were engaged in a pursuit with him, and

they could go inside (Board Review 09).

Lt. Diab said that when he heard Det. Hudgens say that § 87(2)(b) was coming out of the window, he went to the exterior of the building to apprehend him if he tried to flee. He did not know how Det. Hudgens identified § 87(2)(b). When he saw § 87(2)(b) on the fire escape, he tried going back into the building, but by the time he was buzzed into the building, Det. Lasaponara and Det. Quirk already had § 87(2)(b) in handcuffs (Board Review 10).

Det. Hudgens testified that prior to the apprehension attempt, officers involved in the apprehension attempt typically view a photo of the person being apprehended and review their arrest history for any violent crimes. He did not specifically remember if this was covered prior to the apprehension of § 87(2)(b). An individual, § 87(2)(b) who looked like the individual shown to Det. Hudgens in a photo, went onto the fire escape. Det. Hudgens called one of the other officers on his phone or on the radio and told them that he saw § 87(2)(b) on the fire escape. He then saw Det. Quirk walk to the fire escape, grab the § 87(2)(b) by the hand, and take him inside. He did not observe any additional officers in the building (Board Review 18).

In People v. McBride 14 N.Y.3d 440 (2010), officers permissibly entered a residence to arrest a robbery suspect. The courts used the following factors to determine whether officers could warrantlessly make entry to a residence: the gravity or violent nature with which the person was to be charged, whether the person was believed to be armed, probable cause to believe that the person committed the crime, that the person will escape if not swiftly apprehended, and the peaceable circumstances of the entry (Board Review 19).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

**Allegation (M) Abuse of Authority: On April 23, 2019, Detective James Quirk did not present § 87(2)(b) with a business card.**

**Allegation (N) Abuse of Authority: On April 23, 2019, Lieutenant William Diab did not present § 87(2)(b) with a business card.**

Det. Quirk testified during his interview that he searched the location, but as Det. Lasaponara was assigned to the case with § 87(2)(b) Det. Lasaponara was the only one who offered any business cards.



During his interview, Lt. Diab denied offering a business card to § 87(2)(b) and denied that Det. Quirk was required to, as the officers had “minimal interaction” with him (Board Review 32).

The New York City Administrative Code § 14-174 requires officers who conduct “home searches” to provide cards to civilians (Board Review 29).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 21).
- This is the first CCRB complaint involving § 87(2)(b) (Board Review 22).
- Det. Lasaponara has been a member of service for 11 years. 11 prior CCRB complaints and 23 prior allegations have been filed against him. Two of these allegations have been substantiated.
  - An entry allegation was substantiated in case 201301007. The Board recommended Instructions, but the NYPD did not impose discipline.
  - A failure to provide business card allegation was substantiated in case 201810023. The Board recommended Instructions, but the NYPD has not yet imposed discipline.
    - § 87(2)(g)
- Det. Quirk has been a member of service for eight years. Four prior complaints and 10 prior allegations have been filed against him. None has been substantiated.
- Lt. Diab has been a member of service for 14 years. 19 prior CCRB cases and 57 prior allegations have been filed against him. Nine allegations against Lt. Diab have been substantiated.
  - In case 200800389 the Board substantiated physical force and discourteous action allegations, and recommended Charges. In a guilty plea, Lt. Diab forfeited 35 vacation days.
  - In case 201507839, the Board substantiated a stop allegation and recommended Formalized Training. The NYPD imposed Formalized Training.
  - In case 201803645, the Board substantiated Stop and Refusal to Provide Shield Number allegation. NYPD reached no finding and imposed No Penalty.
  - In case 201805446, the Board substantiated physical force allegations and recommended Command Discipline B. The NYPD imposed Command Discipline B.
  - In case 201810023 the Board substantiated Failure to Provide RTKA Card allegations and recommended Command Level Instructions. The NYPD’s decision on this case has not yet been made available.
  - In case 201902845, an entry allegation was substantiated against Lt. Diab and the Board recommended Charges. The NYPD disposition for this case is not yet available.

### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- § 87(2)(b)’s civil attorney § 87(2)(b) via phone that § 87(2)(b) settled her lawsuit against the City of New York, but he did not respond to a request for the amount she received (Board Review 23, Board Review 24).
- § 87(2)(b) did not have any criminal convictions which could be located by the investigation (Board Review 25).

- § 87(2)(b) [Redacted]

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Squad No.: 11

Investigator: Miriam Lynch      SI Miriam Lynch      04/16/2021  
Signature      Print Title & Name      Date

Squad Leader: Edwin Pena      IM Edwin Pena      04/16/21  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date